

REMARKS

Claims 8-14 are pending in the present application. Claims 8 and 10-14 are independent claims. Claims 1-7 were previously cancelled. Claims 8 and 10-14 are amended.

Objections to the Specification

The specification is objected to for allegedly failing to provide antecedent basis for the term "computer-readable medium."

The Applicant noted that the Examiner raised concerns regarding the language "computer-readable medium" in the claims in the Office Action mailed October 14, 2008. In the response filed January 5, 2009, the Applicant argued that the above-quoted language was supported in the specification. In the Office Action mailed April 2, 2009, the Examiner did not object to the above-quoted claim language and the issue appeared to be resolved.

However, without further amendment to the claims relevant to this issue, the Examiner is once again raising the issue of the above-quoted claim language. This issue has already been dealt with once and resolved. Why the Examiner is once again raising this issue is unclear to the Applicant. The Applicant notes that MPEP § 707.07(g) cautions that piecemeal examination should be avoided as much as possible.

Applicant submits that the specification, as originally filed, support the claimed "computer-readable medium" for at least the reason set forth in Applicant's previous response. Reconsideration of this objection is respectfully requested.

Claim Rejections – 35 U.S.C. §101

Claims 8-12 are rejected under 35 U.S.C. §101 because the claims are allegedly directed to nonstatutory subject matter. The Applicant respectfully traverses this rejection.

These rejections under 35 U.S.C. § 101 were raised in the Office Action dated October 14, 2008. These issues were addressed in the response filed on January 5, 2009. In the Office Action dated April 2, 2009, no claim rejections under 35 U.S.C. § 101 were made by the Examiner. Therefore, the 35 U.S.C. § 101 rejections to the claims appeared to be resolved by the January 5, 2009 response.

However, without further amendment to the claims relevant to this issue, the Examiner is once again raising rejections under 35 U.S.C. § 101. Again, the Applicant notes that the piecemeal examination should be avoided (see MPEP § 707.07(g)). The Applicant believes that the rejections to the claims under 35 U.S.C. § 101 have already been resolved.

However, to forward prosecution, independent claims 8 and 10-12 have been amended to include the language “the video data is configured to display images on a display when read by the computer.” These amendments are believed to resolve the rejections under 35 U.S.C. § 101. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 101 be removed.

Claim Rejections – 35 U.S.C. §103

Claims 8, 10, and 11-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okada et al. (U.S. Patent No. 6,181,870) and Seo et al. (U.S. Patent

Publication No. 2002/0006273) and further in view of Official Notice. The Applicant respectfully traverses this rejection.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that cited references, whether taken separately or in combination, do not teach, suggest or otherwise render obvious all of the features set forth in the claims, nor has there been an explanation made of why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. For example, amended claim 8 recites a computer-readable medium including, among other things, a plurality of time control information areas "containing a packet encoding time stamp sized from 30 to 32 bits." The Applicant respectfully asserts that a careful review of Okada shows that Okada is completely silent as to a packet encoding time stamp sized from 30 to 32 bits. Seo does not cure the insufficiencies of Okada in that Seo is completely silent with respect to the above-quoted feature as well.

The Official Notice¹ taken by the Examiner is directed only to a data structure associated with a blue-ray disc format. Therefore, the Official Notice does not cure the insufficiencies of Okada and Seo. Therefore, none of the references nor the Official Notice taken by the Examiner neither separately or in combination teach, suggest or otherwise render obvious all of the feature of independent claim 8. Therefore, a *prima facie* case of obviousness has not been made.

The Applicant notes that the other independent claims, claims 10-14, recite language similar to that quoted above with respect to claim 8 and are therefore patentable over the cited references for at least the same reasons as discussed above with respect to claim 8. The Applicant respectfully requests that the rejections under 35 U.S.C. § 103 of claims 8 and 10-14 be removed.

Claim Rejections – 35 U.S.C. §103

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okada et al. (U.S. Patent No. 6,181,870), Seo et al. (U.S. Patent Publication No. 2002/0006273) and Official Notice as applied to claims 1, 8, 10, 11 and 12, and further in view of Yoo et al. (U.S. Publication No. 2002/0150392). The Applicant respectfully traverses this rejection.

Claim 9 is dependent upon claim 8 which has been shown to be patentable over the cited art for the reasons set forth above. Therefore, claim 9 is patentable at least by reason of its dependency. The Applicant further notes that the additional reference of Yoo used to reject claim 9 is also silent with respect to the above-quoted feature

¹ The Applicant does not agree that the Official Notice is properly taken in this instance. The Applicant does not argue this point at this time, but reserves to argue this issue in the future. Furthermore, the Applicant is surprised by the taking of Official Notice by the Examiner because in that in the interview conducted on

discussed with respect to claim 8 and therefore does not cure the insufficiencies of Okada, Seo and the Examiner's Official Notice. For at least for this reason, the Applicant respectfully requests that the rejection under 35 U.S.C. § 103 of claim 9 be removed.

CONCLUSION


Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 8-14 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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TLC/PXL:has

September 1, 2009, the Examiner suggested amending the claims to recite blue-ray technology. Now the Examiner is taking official notice of the feature he suggested be added to the claims.